

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

CURTIS WILLIAMS,

Plaintiff,

v.

PHOENIX LAW PC,

Defendant.

Case No. 3:23-cv-05437-TMC


ORDER DISMISSING CASE WITHOUT  
PREJUDICE

This matter comes before the Court on its own motion. On November 3, 2023, the Court denied Plaintiff Curtis Williams' motion for default judgment and gave him 21 days to file a revised damages calculation or a new motion explaining his liability theory against Defendant Phoenix Law PC. Dkt. 16. This deadline passed without Williams making any filings. On December 12, 2023, the Court gave Williams 14 days to show cause why the case should not be dismissed for failure to prosecute. Dkt. 17 at 2. The Court warned Williams that failure to comply with the order would result in dismissal of his case without prejudice. *Id.* Williams again did not make any filings by this deadline.

Accordingly, the Court DISMISSES this case WITHOUT PREJUDICE for failure to prosecute. *See* Fed. R. Civ. P. 41(b) (allowing for involuntary dismissal for failure to prosecute

1 or failure to comply with the federal rules or court orders); *Hells Canyon Pres. Council v. U.S.*  
2 *Forest Serv.*, 403 F.3d 683, 689 (9th Cir. 2005) (courts may dismiss cases sua sponte pursuant to  
3 Rule 41(b) for failure to prosecute); *Oliva v. Sullivan*, 958 F.2d 272, 274 (9th Cir. 1992) (“The  
4 district judge has an obligation to warn the plaintiff that dismissal is imminent.”); *Villalobos v.*  
5 *Vilsack*, 601 F. App’x 551, 552 (9th Cir. 2015) (upholding district court’s dismissal without  
6 prejudice for failure to prosecute after the plaintiff did not respond to the court’s order to show  
7 cause).

8 Dated this 28th day of December, 2023.

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Tiffany M. Cartwright  
United States District Court Judge